

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RAWLINGS SPORTING GOODS )  
COMPANY, INC., )  
 )  
Plaintiff, )  
 ) 4-12-cv-01204-CDP  
v. )  
 )  
WILSON SPORTING GOODS CO. )  
 )  
 )  
 )  
Defendant. )

**AMENDED JOINT PROPOSED SCHEDULING PLAN**

Pursuant to the Court's Order Setting Rule 16 Conference [Dkt. 13], the parties negotiated and prepared a joint proposed scheduling plan. On October 22, 2012, counsel for plaintiff filed a document with the Court entitled Joint Proposed Scheduling Plan [Dkt. 16]. Unfortunately, the document filed was an early draft of the parties' actually negotiated scheduling plan and did not accurately reflect their agreed upon deadlines. With this Amended Joint Proposed Plan, plaintiff seeks to withdraw the document filed under docket entry no. 16 and submit the following proposed scheduling plan agreed to by the parties:

**Scheduling Plan.**

- (a) Track assignment. The parties agree that the presumed time limits for a Track 2 assignment are adequate.
- (b) Joinder of additional parties and amendment of pleadings (without leave of Court) shall be completed by December 3, 2012.
- (c) Discovery plan.

- (i) Rule 26(a)(1) disclosures shall be made by December 3, 2012.
- (ii) Discovery shall proceed on all issues in the lawsuit. Expert disclosures, reports, and depositions. The parties agree that expert discovery and disclosures shall be governed by Rule 26(a)(2).
  - On or before June 3, 2013, the parties shall simultaneously disclose expert witnesses and provide initial expert witness reports pursuant to Rule 26(a)(2) on the matters upon which the parties bear the burden of proof.
  - On or before July 15, 2013, the parties may designate rebuttal experts and shall serve any rebuttal expert reports.
- (iv) The presumptive limit of 10 depositions shall apply; provided, however, that expert depositions shall not be counted toward the limit of 10 depositions. The presumptive limit of 25 Interrogatories shall also apply.
- (v) There will be no physical or mental examinations of the parties under Fed. R. Civ. P. 35.
- (vi) Discovery, including expert discovery, shall be completed by September 16, 2013.

(d) Alternative Dispute Resolution. The parties agree that mediation will be appropriate in this case if the parties' present settlement negotiations are unsuccessful, by no later than January 30, 2013.

(e) Dispositive Motions. The parties propose that dispositive motions shall be filed no later than 30 days after the close of discovery, by October 15, 2013.

(f) Electronically Stored Information. The parties shall negotiate on the format for production of electronically stored information (“ESI”) and paper documents, and will make a subsequent submission to the Court on this topic.

(g) Claims of Privilege and Work Product. The parties agree that a party will serve any privilege log pertaining to a discovery request within one month after the deadline for written response to the request. The parties additionally agree that a party need not identify information or documents withheld from production on grounds of privilege to the extent such information or documents were generated after the commencement of this action.

(h) Trial. The parties anticipate that this case should be ready for trial by January 6, 2014, and the length of time expected to try the case to verdict is 3 to 5 trial days.

(g) Other matters. Service between the parties may be by email.

Respectfully submitted,

HUSCH BLACKWELL LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>nd</sup> day of October, 2012, I electronically filed the foregoing document with the clerk of the U.S. District Court, Eastern District of Missouri, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who consented in writing to accept service by electronic means.

*/s/ Michael R. Annis* \_\_\_\_\_